

ORDINANCE NO. BL2018-1199

An ordinance amending section 2.144.020 et seq. of the Metropolitan Code dissolving the Metropolitan Homelessness Commission, repealing Ordinance No. BL2005-582, Ordinance No. BL2011-917, and Ordinance No. BL2014-777, and creating a Nashville Davidson County Continuum of Care Homelessness Planning Council to serve as the governance board for the Nashville Davidson County Continuum of Care.

WHEREAS, the Metropolitan Government is committed to making homelessness rare, brief, and non-recurrent; and

WHEREAS, the Metropolitan Homelessness Commission was formed in 2005 in order to implement a ten-year plan to end chronic homelessness; and

WHEREAS, the federal government enacted the HEARTH Act of 2009, which codified the Continuum of Care process into federal law, establishing a comprehensive local planning process to address homelessness; and

WHEREAS, having dual entities with substantially similar roles has caused confusion and inefficiency in the community; and

WHEREAS, the Metropolitan Homelessness Commission has received a report in March 2016 from its consultant, Focus Strategies, stating “The single most important initial step for Nashville is for the community leadership to come together and identify or create a single governance structure and lead entity that will be tasked with moving forward transformation of the current collection of programs into a Housing Crisis Resolution System;” and

WHEREAS, recognizing that any change in the Nashville-Davidson County Continuum of Care (CoC) Governance structure required approval of the CoC General Membership, the Metropolitan Development and Housing Agency (MDHA) requested the United States Department of Housing and Urban Development (HUD) provide technical assistance (TA) to help Nashville create a high-functioning CoC while maintaining compliance with the HEARTH Act as the CoC considered its options and during any potential restructuring process; and

WHEREAS, HUD approved TA and contracted with Cloudburst, a consultant with expertise in the requirements of the HEARTH Act, who began work in November of 2016 and also recommends a single governance structure in order to effectively move the needle on homelessness; and

WHEREAS, a joint task force with members from both the Metropolitan Homelessness Commission and the Nashville Davidson County Continuum of Care Governance Board was formed and evaluated various options to create a new, single entity in response to the recommendation; and

WHEREAS, the joint task force recommended the creation of the Homelessness Planning Council, consistent with the terms below; and

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this ordinance be enacted.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: Ordinance No. BL2005-582, Ordinance BL2011-917, and Ordinance No. BL2014-777 are hereby repealed, and the Metropolitan Homelessness Commission is hereby dissolved.

Section 2: Title 2 of the Metropolitan Code of Laws is amended by deleting the current section 2.144.020, in its entirety and inserting the following language:

2.144.020 Nashville-Davidson County Continuum of Care Homelessness Planning Council
Established - Membership

- A. The Nashville Davidson County Continuum of Care was established pursuant to federal regulations, including 24 C.F.R. Part 578, to create a collaborative, inclusive, community-based/inspired process and approach to planning and managing effective homeless assistance resources and programs to end homelessness in our community
- B. For the purpose of facilitating the process and approach of the Nashville Davidson County Continuum of Care, there is established the Nashville Davidson County Continuum of Care Homelessness Planning Council.
- C. The Nashville Davidson County Continuum of Care Homelessness Planning Council shall be composed as follows:
 - 1. Twenty-five voting members. Eight members shall be appointed by the metropolitan mayor. Fourteen members shall be elected by the full membership of the Nashville-Davidson County Continuum of Care in accordance with its Governance Charter. Five of the voting members shall have lived homelessness experience. Three members shall be either members of the metropolitan council or the metropolitan vice mayor, selected by the metropolitan vice mayor.
 - 2. Designated advisors. Either upon request of the metropolitan mayor or the Nashville Davidson County Continuum of Care Homelessness Planning Council, the metropolitan mayor shall designate up to two advisors to assist the Nashville Davidson County Continuum of Care Homelessness Planning Council in carrying out its duties. The designated advisors shall be employees of departments of the metropolitan government that interact with individuals experiencing homelessness. These advisors are not permanent members of the Nashville Davidson County Continuum of Care Homelessness Planning Council and are not eligible to vote.

3. The initial slate of voting members shall be the existing voting members of the Metropolitan Homelessness Commission and the Nashville-Davidson County Continuum of Care Governance Board. These members shall be divided into three classes, with terms expiring after one, two, and three years, respectively. Subsequent voting members shall serve three year terms. The number of members in each class shall be specified in the Nashville Davidson County Continuum of Care Governance Charter.
 4. Attendance requirements. A regular and publicized meeting schedule of the Nashville Davidson County Continuum of Care Homelessness Planning Council shall be kept. The Nashville Davidson County Continuum of Care Charter shall have an attendance requirement for the governance board. All Nashville Davidson County Continuum of Care Homelessness Planning Council members shall comply with the attendance requirements specified in the Nashville Davidson County Continuum of Care Charter. If a voting member, appointed or selected, fails to meet the attendance requirements specified in the Nashville Davidson County Continuum of Care Charter, the Nashville Davidson County Continuum of Care Homelessness Planning Council may make recommendation to the metropolitan mayor to remove that member by two-thirds vote. The vacancy shall be filled in the same manner as the initial appointment.
- D. The Nashville Davidson County Continuum of Care Homelessness Planning Council shall serve as an independent body and shall be empowered to make decisions and recommendations as the governance board for the Nashville-Davidson County Continuum of Care, as required by 24 C.F.R. Part 578.
- E. The Metropolitan Homelessness Commission staff shall be known as the Metro Homeless Impact Division and shall be housed within metropolitan social services. The Metro Homeless Impact Division of the metropolitan social services shall provide staff and resources to assist the Nashville Davidson County Continuum of Care Homelessness Planning Council in carrying out the duties and responsibilities established by this chapter.

Section 3: Title 2 of the Metropolitan Code of Laws is amended by deleting the current section 2.144.030, in its entirety and inserting the following language:

2.144.030 Duties and responsibilities of Nashville Davidson County Continuum of Care Homelessness Planning Council

The Nashville Davidson County Continuum of Care Homelessness Planning Council shall have the following duties and responsibilities:

- A. To implement a coordinated and focused approach to ending homelessness and to develop measurable objectives;

- B. To fulfill all duties and responsibilities as the governance board for the Nashville-Davidson County Continuum of Care, including compliance with 24 C.F.R. Part 578;
- C. To hold regular meetings open to the public with published agendas;
- D. To assure participation of all stakeholders, including persons experiencing homelessness;
- E. To maintain accurate, current data on homeless populations; and
- F. To educate the public, service providers, and other interested parties on issues related to homelessness.

Section 4: The prior three Sections of this Ordinance shall become operative on July 3, 2018, if and only if the Davidson County Continuum of Care has also approved an amendment to its governance charter consistent with the terms of this ordinance.

Section 5: This ordinance shall take effect upon passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED:

Renee Pratt, Executive Director
Metropolitan Social Services

APPROVED AS TO AVAILABILITY
OF FUNDS:

Talía Lomax-O'dneal,
Director of Finance

Member(s) of Council

APPROVED AS TO FORM AND LEGALITY:

Assistant Metropolitan Attorney